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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/697,765

10/30/2003

Alessandro De Matteis

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11/14/2006

POWELL GOLDSTEIN LLP

ONE ATLANTIC CENTER

FOURTEENTH FLOOR 1201 WEST PEACHTREE STREET NW

ATLANTA, GA 30309-3488

EXAMINER

ADAMS, GREGORY W

ART UNIT

PAPER NUMBER

3652

DATE MAILED: 11/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/697,765

Applicant(s)

MATTEIS, ALESSANDRO DE

Examiner

Gregory W. Adams

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-11 are rejected under 35 U.S.C. 102(a) as being anticipated by Schmidt, V et al. (US 6,322,315).

With respect to claim 1, Schmidt, V et al. disclose a method for separating a stack of sheets already formed from a stack being formed, during the production of paper packed products, comprising the steps of:

- formation of a stack of interfolded sheets 30 that are piled up on a table 10 located underneath;
- separation of two successive interfolded sheets once achieved a predetermined height of said stack being formed, thus defining a completed stack 30 and a stack being formed 58;
- said separation occurring by lateral introduction of a first 46 and a second 50 separator into said stack being formed and from opposite sides with respect to the stack same for separating the stack located underneath and for leaving at least one wing 70 of sheet hanging free between said two separators;
- moving away said completed stack of sheets from said table and leaving it on a conveyor belt or an outlet plane (FIG. 5);

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- moving a sheet stretching board 48, suitable for provisionally supporting the stack and stretching said or each wing, with a portion of wing of sheet exceeding said sheet stretching board (FIG. 10; C10/165-67);
- withdrawing said first 46 and second 50 separators up to reaching a position external to said stack being formed (FIG. 12); and
- moving back said table 10 and withdrawing the sheet stretching board 48, with said portion of wing that remains between said stack and said table (FIG. 11).

With respect to claim 2, Schmidt, V et al. disclose that before moving back said table an element 52 moving from a direction opposite to said sheet stretching board stretches said portion of wing of sheet exceeding said sheet stretching board.

With respect to claim 3, Schmidt, V et al. disclose a step is provided of making an end fold on the portion of said wing exceeding said sheet stretching board by means of both an element acting from the opposite side to said sheet stretching board and an element moving from the same side of said sheet stretching board, just before coming back said table.

With respect to claim 4, Schmidt, V et al. that said element acting from the same side is a blow of air 52, and said element acting from the opposite side of said sheet stretching board is said second separator, said separator moving from a position outer to the stack, after that said sheet stretching board is positioned, to a position below the lower face of said sheet stretching board and in order to make the end fold on the exceeding portion of sheet by said blow of air.

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With respect to claim 5, Schmidt, V et al. that where previously to the step of moving away said completed stack on the conveyor belt 68, or in the outlet plane, a blow of air 52 is provided for moving a possible last sheet that has remained in a vertical position bringing it to a horizontal position.

With respect to claims 6 & 9, Schmidt, V et al. disclose means 22, 24 for feeding said stack being formed with a stream of interfolded sheets, movable table 10, first and second separators 46, 50 moving laterally into sack from opposite sides and a sheet stretching board 48 (C10/L65-67).

With respect to claims 7-8, Schmidt, V et al. disclose an element 52 comprising a blow of air moving from a direction opposite to said sheet stretching board, with respect to the processed stack, suitable for stretching said portion of wing of sheet exceeding said sheet stretching board just before coming back said table.

With respect to claim 10, Schmidt, V et al. disclose that said sheet stretching board slides on a base integral to said support of said first separator in a direction orthogonal to said sliding direction operated by an actuator that causes it to move along this direction.

With respect to claim 11, Schmidt, V et al. disclose said table is located on a slide movable horizontally along a guide operated by an actuator.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-11 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory W. Adams whose telephone number is (571) 272-8101. The examiner can normally be reached on M-Th., 8:00-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen Lillis can be reached on (571) 272-6928. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

GWA



**EILEEN D. LILLIS**  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600